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E 2485

PALESTINE

23 FEB 1948

Registry Number E2485/4/21

TELEGRAM FROM

No.

U.K. No. 1

Dated

New York

Received in Registry

613
21 Feb
23 -

Information to Commission and others
Re: Jerusalem of 425. ... circulation of information
to Commission ...
... in order not to ... source of
... information that ... may be
sent with information for communication ...
... which was automatically ...
...
ADDRESSED SEPTEMBER 125

Last Paper.

2484

(Minutes.)

Plus see also E 2644. I understand
that Jerusalem is now ...

References.

68534

H.B. 3/3

(Print.)

(How disposed of.)

8 Matheson 80
Herman Saboff
Schene 1115
M17a
M04
Adams
AM on E2470
Feb 23

(Action completed.)

[Signature]

(Index.)

[Signature]

Next Paper.

2486

30471 F.O.P

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FO 371 / 68534

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Cypher/OTP

WORLD ORGANISATION DISTRIBUTION

23 FEB 1948
FROM NEW YORK TO FOREIGN OFFICE

(FROM UNITED KINGDOM DELEGATION TO UNITED NATIONS)

NO. 613. D. 4.53.p.m. February 21st, 1948.
February 21st, 1948. R. 10.5. p.m. February 21st, 1948.

IMMEDIATE.

CONFIDENTIAL.

Addressed High Commissioner Jerusalem telegram
No. 125 of February 21st, repeated for information
to Foreign Office and Saving to Washington.

Following for Gurney from Fletcher Cooke.

[Begins].

Your telegram to Colonial Office No. 425.

The practice hitherto has been (see paragraph 4
of Foreign Office telegram to us No. 359 and Foreign
Office telegram to us No. 465) that all (repeat all)
documents and letters sent to the Commission (with
the exception of daily incident reports) are circulated
to United States and Commonwealth Delegations (except
India and Pakistan) but not (repeat not) of course,
to Jewish Agency or world press. The only exception
has been that the United States Delegation have not
(repeat not) been furnished with the document containing
the plan of military withdrawal.

2. In Foreign Office telegram to United Kingdom
Delegation 691 (repeated to you) it was suggested that
all these documents should be given to the Arab
Governments. As indicated in our telegram to Foreign
Office 523 (repeated to you as No. 102) we had considerable
misgivings about this suggestion.

3. In order to ensure that no (repeat no) informa-
tion is given to the Commission which is likely to
compromise your sources, and as a means of obviating
delay it would be most helpful if I could be furnished
by separate telegram as often as may be convenient with
information for communication to the Commission relating
to security etc., and not (repeat not) contained in
incident reports and casualty returns which are
automatically communicated to them.

[Ends.]

Please pass immediate to Jerusalem.

[Copy sent to Colonial Office for repetition to
Jerusalem.]

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2485 4

PALESTINE

23 FEB 1948

Registry Number E2486/4/31

TELEGRAM FROM

No.

AKD 21

Dated

New York

Received in Registry

614

21 Feb

23 -

Minutes for Termination
The meeting of the committee yesterday considered article 9 (definition of residential) and proposed 5-year period for residential qualification. This was supported by Australia, Belgium and U.S. spoke in favour of 10-year period but did not commit themselves to five years. They proposed two years for Jews spoke in favour of 10 years but without specific proposal. They proposed 10 years for Jews 3 years for other categories.

Last Paper.

2485

(Minutes.)

J.P.
23/2

References.

(Print.)

(How disposed of.)

8. Hatheson 80
Herman 101 off

M17a

M14

Adams

A/M

Adler M11

Feb 23

(Action completed.)

[Handwritten signature]

(Index)

[Handwritten signature]

Next Paper.

2490

30471 F.O.P

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2480

F 5

23 FEB 1948
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Cypher/OTP

FROM NEW YORK TO FOREIGN OFFICE

(From United Kingdom Delegation to United Nations)

No. 611. D. 6.05.p.m. February 21st, 1948.
February 21st, 1948. R. 11.58.p.m. February 21st, 1948.

Repeated to Jerusalem
Washington Saving.

IMMEDIATE.

BUILD.

CONFIDENTIAL.

Addressed Foreign Office telegram No. 614 of February 21st, repeated for information to Jerusalem and Saving to Washington.

Following for Martin, Colonial Office.

Statute for Jerusalem.

Trusteeship Council yesterday considered Article 9 (definition of resident). Burns proposed 5 year period for residential qualification. This was supported by Australia. Belgium and United States spoke in general terms of necessity for fairly lengthy period though without committing themselves to 5 years. Representative of China then proposed two year period. Garreau (France) also spoke in favour of shorter period but without making specific proposal.

2. In discussion, necessity for eliminating possibility of political manoeuvres in regard to referendum at end of 10 year period was fully recognised. Eventually, after consultation with Burns, Gerig proposed compromise solution of three years, on understanding that phrase "ordinarily resident" would be defined so as to make it impossible for persons not truly resident to comply with residential qualification requirement. Burns agreed to this proposal which Council then accepted unanimously. Question has not, of course, been finally settled since this is only first reading.

3. In discussion of Article 10 (citizenship) doubts were raised (notably by Ryckmans) that requirement that citizenship shall be exclusive, taken in conjunction with provision that only citizens shall be eligible for election to legislative council, may have effect of

/narrowing

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narrowing so severely field of potential councillors that it might even be impossible to find sufficient number of eligible persons of suitable standing and qualifications. Council decided to defer consideration of Article 10 until we reach Article 20, (which will almost certainly be Tuesday 24th February), and then to deal with the two together.

4. As you know, although part III, C 5 of the plan lays down no restrictions as to eligibility for membership of the Legislative Council, Working Committee felt it was desirable to restrict it to citizens (repeat citizens). It is possible that Council may now be disposed to remove this restriction and permit all residents (repeat residents) to be eligible. We note from High Commissioner's telegram to United Kingdom Delegation 391 that requirement that members must be citizens is considered quite feasible. But it would be helpful to us in handling this matter if High Commissioner could let us have his views on how serious consequences of removal of this restriction would be likely to be in practice.

Foreign Office please pass to Jerusalem as my telegram No. 126.

[Copies sent to Colonial Office for Mr. Parker and for repetition to Jerusalem.]

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Minutes.

8

2:90

Mr. Roberts.

Lord Marley rang me up on 25 Feb 1948 and suggest that the Secretary of State should see Mr. Grossman, a Canadian Jewish journalist.

I saw Mr. Grossman for a few minutes last week, by arrangement with the Press Department of the Colonial Office, who explained to me that he had been seen by Mr. Rees-Williams, and that he was collecting material for some articles on the British point of view in Palestine. Mr. Grossman appears to be connected both with Canadian newspapers and with a Yiddish-language paper in New York. His object, as he explained it to me, is to publish articles with the object of counteracting anti-British propaganda in New York on the subject of our present policy in Palestine. He wishes to make his articles as authoritative as possible, and therefore asked whether we could arrange for him to have a short conversation with the Secretary of State.

H. Beeley

(H. Beeley)
17th February, 1948.

*See
I am
doubtless
about this
have no desire
to enter into negotiations
conforming our policy
is clear to the
out*

Nothing to be written in this Margin.

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16
2491
23 FEB 1948

JERUSALEM.

from Palestine

It is understood that, at tomorrow's meeting of Ministers on Jerusalem, Mr. Rees-Williams will reopen the question of whether a British subject can be considered as a candidate for the Governorship of the city.

2. It was previously agreed that the appointment of a British subject to this position would be inadvisable, because:

(1) We should thus appear to the Arabs to be involved in implementing the United Nations plan for Palestine.

(2) The Russians and others would accuse us of using the international regime for Jerusalem as a device for maintaining our hold over Palestine.

no L.A.M.

(3) We might find it more difficult to refuse military backing to a British Governor than to a Governor of some other nationality.

3. Various non-British candidates, the most suitable of whom was Mr. Rykmans of Belgium, have been under consideration as nominees for the Governorship, but they have all refused to accept the post. The High Commissioner is anxious that there shall be no interval between his departure from Jerusalem on the 15th May and the assumption of office by a United Nations Governor. In view of his representations and of the risk that no suitable candidate will appear, and that the Trusteeship Council will consequently be unable to make an appointment, the Colonial Office have now reverted to the possibility of a British appointment. They have a suitable candidate in Mr. Fitzgerald, who is at present Chief Justice of Palestine.

Meanwhile/

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20 FEB 1953
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4. Meanwhile the Secretary of State has proposed to the Prime Minister that our policy in relation to Jerusalem should be based upon the idea of declaring it an open city, and so excluding it from the area of civil war in Palestine. He has accordingly proposed that the Arab Governments should be approached with this suggestion. If this approach is made, we may find that the Arabs are prepared to respect the neutrality of Jerusalem and the Holy Places on condition that a United Nations' regime is not established there. In this event it would presumably be our object on the Trusteeship Council not to ensure but rather to postpone the appointment of a Governor.

5. If we wish to work for the appointment of a British Governor, it would not be advisable to make any approach to the Arab Governments on the subject of Jerusalem without mentioning this possibility and testing their reactions to it. But if this were done, the Arabs might misunderstand the purpose of our approach to them and might suppose that we were asking not so much for their views on the declaration of Jerusalem as an open city as on the choice of a British subject to administer the international régime there. Agreement to accept or sponsor the nomination of a British subject as Governor of Jerusalem would, therefore, reduce the chances of success with an approach to the Arabs designed to secure the declaration of Jerusalem as an open city. In addition, the reasons outlined in paragraph 2 above are still valid. It is therefore recommended that favourable consideration should not be given to any proposal for a British Governor of Jerusalem.

I agree
B. B. Johnson
16-2 1/10
B. B. Johnson

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883192 Minutes. into
Eastern Department 2492 E 12

23 FEB 1948

517
(L. 6 2-27)

The Secretary of State discussed some current Palestine problems with Mr. Rees-Williams this morning, preparatory to to-morrow's meeting of Ministers. He showed Mr. Rees-Williams New York telegram No. and drew his attention specifically to para.6. Mr. Rees-Williams fully agreed with the Secretary of State that there should be no question of modifying our plans and agreeing to remain in Palestine. Incidentally the Secretary of State made this very clear as regards the troops in reply to a supplementary question this afternoon.

The Secretary of State also instructed me to record that he had had a short conversation with Mr. Ivor Thomas in the House of Commons this afternoon. Mr. Thomas had urged that we should try to reach an agreement with the Arabs safeguarding the Holy Places. The Secretary of State asked him why he should approach the Arabs in this connexion, since they and other Moslems regarded the Holy Places as holy to all three religions and had respected them ever since the Arabs entered Jerusalem over 1300 years ago. It would be an insult now to ask them not to touch the Holy Places. It was the Jews who should be approached, but what possible value could he attach to any guarantee given by Zionists, many of whom were atheists.

JWR

18th February, 1948.

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2495
23 FEB 1948

JERUSALEM.

It is understood that New York telegram No. 517 (copy attached) may be discussed at this morning's meeting of Ministers. This telegram contains a list of five names which the United States would be prepared to support for the Governorship of Jerusalem.

at present

Three of these - Colonel Hodgson, General Laverack and Mr. Casey - are covered by the earlier ~~decision~~ *recommendation* that we would not support candidates either from the United Kingdom or from the English-speaking Dominions.

Another of the candidates is Mr. Stucki of Switzerland. We have previously been told that he was unwilling to accept the Governorship of Jerusalem. H.M. Minister in Berne, when asked on an earlier occasion whether Mr. Stucki would make a suitable Governor for Trieste, replied in the negative.

The remaining candidate is Sir Ramaswami Mudalier of India. He was by general consent an effective Chairman of the United Nations Economic and Social Council. He is both strong-minded and impartial.

It is also reported, in paragraph 4 of the same telegram, that the French Delegation are thought to have a French Catholic candidate in mind.

It is recommended that at this stage we should confine ourselves to saying that we cannot support any of the candidates from the English-speaking Dominions, and that further enquiries should be made about the availability of Sir Ramaswami Mudalier and the probable attitude of Arabs and Jews to his appointment.

BRP's name

18th February, 1948.

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2529 *entw 16*

PALESTINE 4 FEB 1948

*So far as
Mr Douglas seemed
not to discuss
Palestine yesterday
they had a v. long
discussion on
other subjects
sub
20/2*

H. Beeley 14/2

The Security Council are about to consider a request from the U.N. Palestine Commission to provide means of enforcing the policy contained in the resolution of the General Assembly. There are indications that the Americans are seriously worried by this request. The U.S. Government will be under strong pressure from the Zionist lobby to take a lead in supporting the Commission's request on the Security Council. On the other hand, they are alarmed by the possible consequences in the Middle East of international military intervention in Palestine. Lord Inverchapel thinks it likely that they will approach us for an exchange of ideas on this situation.

It has been decided that, in any such exchange of views, the attitude of H.M. Government will be guided by the following considerations:

- (1) H.M. Government cannot depart from their decision to relinquish the mandate on the 15th May and to complete the withdrawal of British troops from Palestine on the 1st August;
- (2) H.M. Government cannot at this stage make any proposals for an alternative method of settling the Palestine problem. It might be suggested to the Americans, however, that when we are quit of our responsibility in Palestine we shall be in a better position to talk about new solutions and to take part in any measures of conciliation which may then be possible;
- (3) H.M. Government will not oppose suggestions for the re-opening of the Palestine question,

/ either

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23 FEB 1948
SENT TO DEPT.
24 FEB

either by another special session of the General Assembly or in any other manner which might be proposed.

A second matter which Mr. Douglas may wish to discuss is the American embargo on the export of armaments to the Middle East. The Zionist lobby are putting strong pressure on the U.S. Government to lift this embargo in favour of the Jews in Palestine, and are making use of the argument that H.M. Government are supplying military material to certain Arab states. The State Department recently suggested that we should put a stop to these supplies in order to help them to resist their domestic pressure. We have suggested, in reply to this approach, that the Americans themselves should ask the Arab Governments concerned to agree to a temporary suspension of British arms deliveries on condition that the American embargo is maintained. Up to now we have had no considered reply from Washington to this proposal. We have, however, sounded the Arab Governments on it informally, and the Secretary of State may wish to inform Mr. Douglas of their reactions. The Syrian and Iraqi Governments were favourable (though the views of the Iraqi army are not yet known). Transjordan and Saudi Arabia were hostile to the idea. Egypt and Lebanon expressed readiness to consider it. None of these replies can be regarded as final, however, because the question is under discussion between the delegates now attending the Council of the Arab League in Cairo. ~~After this meeting, we shall probably find that all the Arab Governments have adopted a uniform attitude towards the suggestion.~~

G. W. S. Palmer
14th February, 1948.

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7

E 2577

24 FEB 1948

Registry Number E 2577/4/31
 FROM Registry
 No. Atkens
 Dated 70/12/48
 Received in Registry } L. E. Dixon.
 19 Feb
 24 -

Partitions of Palestine.
 Are trying to piece together coherent story of recent discussions by UN re Partitions of Palestine, with particular reference to the attitude adopted by Greek Representatives. They have received no document since A/516 of Nov 25.

Last Paper.
 2558

(Minutes.)

There is nothing in any of the further documents filed with A/516 at E 11427/4/22/21 which would be of much use. A/516 (= report of the Ad Hoc Committee) read in conjunction with F.O. Memorandum E 410/4/31 of Jan 9th 1948 should give a full picture. For the attitude adopted by the Gk. representative, the Summary Record of all Meetings at which he spoke would have to be consulted.

References.

(Print.)

(How disposed of.)

*Opt. Atkens Registry
 from L. Dixon,
 Mar 10*

*D.B.
 2/1/3*

(Action completed.) <i>30/1/48 Y Edm 10/3</i>	(Index) <i>1/12/48</i>
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Next Paper.
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18
BRITISH EMBASSY,
ATHENS.

19th February, 1948

2577
24 FEB 1948

70/12/48
Restricted

Dear Eastern Division,

We should be most grateful if you would be so good as to assist us to solve a query regarding the Plan of Partition for Palestine.

We are trying to piece together a coherent story of recent discussions of this matter by the United Nations Organisation, with particular reference to the attitude adopted by the Greek representative.

The latest review of this question that we have been able to find is U.N.O. document A/516 of November 25th which we received on 10th January, but as there is a time lag of 6 to 10 weeks between the date on U.N.O. documents and our receiving copies of them, it is probable that later papers are either on their way to us or that you have knowledge of developments subsequent to those reported in the document under reference.

Will you therefore please let us have copies of any recent papers or, alternatively, a note on any recent happenings.

Yours ever,

Registry.

Eastern Division,
Foreign Office,
S.W.1.

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Registry
No. F 2577/4/31

19 9/10
10 March

Registered + add

Draft letter to
Altkans Registry
for
Eastern Dev

Dear Registry,
With reference to your No. 2/12/48 of Feb 19th, the Plan of Partition for Palestine is contained in the UNO document A/516 to which you and I have been since the date from November 1947 which would refer to this ~~draft~~ draft resolution was accepted by the Assembly on November 29th under circumstances which you will find described in the F.O. Memorandum F 418/4/31 of January 9th, of which a copy is enclosed. The same memorandum will give you a useful summary of the whole question as it evolved in September - November 1947.

The Plan of Partition still stands, and the only further ^{development of it} ~~development~~ has been the ^{submission} ~~submission~~ of a Draft Statute for Jerusalem in ^{implementation of Part} ~~implementation~~ ^{of the Plan. (This you will find in the} UNO document T/118 of January 26th; but the draft ^{statute} has been modified in parts by the Trusteeship Council and the latter ~~is~~ ^{is} expected in the near future to approve ~~the~~ ^{it} ~~same~~ ^{has} ~~approved~~ ^{approved} the Statute in its

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FOREIGN OFFICE, S.W. 1.

(E 2577/4/31)

10th March, 1948.

RESTRICTED

Dear Registry,

With reference to your No. 7/12/48 of 19th February, the Plan of Partition for Palestine is contained in the United Nations document A/516 to which you refer and there is little else dating from November 1947 which would be of much use to you. This draft resolution was accepted by the Assembly on 29th November under circumstances which you will find described in the Foreign Office Memorandum E 416/4/31 of 9th January, of which a copy is enclosed. The same memorandum will give you a useful summary of the whole question as it evolved in September - November 1947.

The Plan of Partition still stands, and the only further development of it has been the elaboration of a Draft Statute for Jerusalem in implementation of Part III of the Plan. An important, but not final stage of this you will find in the United Nations document T/118 of 26th January; but the draft statute has ~~still~~ been modified in parts by the Trusteeship Council and the latter expected in the near future to approve the Statute in its definitive form. It will, at any rate, not be in contradiction with any clause in Part III of the Plan as set forth in A/516.

For the attitude adopted during discussions by the Greek representative, the Summary Record of all relative meetings at which he spoke would have to be examined, and even then they might not present a clear picture. They are, after all, only summaries. We have no time to undertake the necessary research, but we suggest that you should apply for information direct to the United Kingdom Delegation in New York, who not only have all available written records but can give further information based on personal impressions of members of the Delegation who followed the discussions.

Yours ever,

EASTERN DIVISION

The Registry,
British Embassy,
Athens.

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Mr. Clair WORLD ORGANIZATION DISTRIBUTION
FROM NEW YORK TO FOREIGN OFFICE

(From United Kingdom Delegation to United Nations)

No. 642 D. 11.55 p.m. 24th February 1948
R. 5.45 a.m. 25th February 1948
24th February 1948
Repeated to Washington
Jerusalem

NOTE TO THE SECRETARY
GLANT
LIGHT

25 FEB 1948

Addressed to Foreign Office telegram No. 642 of
24th February repeated for information to Washington and
Jerusalem.

My telegram No. 640.

Following is text of speech by Secretary of State for
Colonies in Security Council today.

[Begins] It is not my purpose at this stage of
proceedings to discuss the important statement and proposals
just made by the distinguished delegate of United States for
they call for the most careful consideration. Nor do I
propose to deal with the grave difficulties of implementation
of the resolution of the Assembly set out by the distinguished
Chairman of the Palestine Commission. I want to make
briefly several points which in the view of my Government
are fundamental to the issues before the Council and then
to deal with a few aspects of the specific problem raised
in the special report of the Palestine Commission so that
there be no ambiguity about the position of the United
Kingdom Government. The withdrawal of British forces and
stores is already well under way and the last troops should
have left by August 1st. The Palestine Administration
will terminate its control by May 15th and is taking all
practical steps to that end. The military withdrawal and the
winding up of the civil administration are both being
carried out against a background of increasing violence.

Indeed the general security position in Palestine has
degenerated very seriously since the resolution of the
General Assembly was passed on November 29th last year. This
deterioration due to outrages and lack of restraint by
sections of both communities inside Palestine has also been
aggravated by activities of groups beyond the borders - as
for example the intrusion of armed Arab bands and, on the
Jewish side, the continuance of illegal immigration. In
endeavouring to control this situation British civil and
military personnel have suffered a heavy toll of life and
property. Nevertheless British forces have on frequent
occasions kept the contending factions apart, have
suppressed much violence, have controlled the coast and
frontiers and prevented open civil war.

/ since.....

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Notwithstanding all these obstacles the Mandatory Administration has made some progress in the devolution of powers to local Jewish and Arab authorities in the creation of police forces drawn from both communities and in the transfer of control over some of the important services. All these measures have been designed to secure the maximum of law and order at the time of the transfer of control to the United Nations Commission. We least of all wish to wreck the work we have accomplished in Palestine since the assumption of the Mandate more than a quarter of a century ago.

I come now to the principal problem before the Security Council. It will be remembered that the United Kingdom Government declared at the meetings of the General Assembly last year that not only were they unwilling to implement any United Nations plan for Palestine which was unacceptable to either the Jews or Arabs but also that they could not accept responsibility for the enforcement of a disputed plan - either alone or in the major part. The participation by the United Kingdom Government with others in the task of implementation would depend on their conception of the inherent justice of the plan adopted for Palestine by the Assembly and the degree of force required to give effect to it. As to enforcement the United Kingdom delegation made it clear long before the Assembly's decision was taken or could even be accurately foreseen that my Government were not prepared to accept any responsibility under the Assembly's recommendation which would involve the use of British troops as the means of enforcing a decision likely to be resisted by Jews or by Arabs.

I must also remind the Council that during the meetings of the General Assembly last year my Government frequently stated that whatever scheme for Palestine might be adopted the means of implementing it was a vital consideration and enforcement was an aspect of the problem which could not be ignored. On November 20th Sir A. Cadogan urged that the Assembly in drawing up its recommendations should - I quote the words he used - "take full account of the risk of strife in Palestine and the need to provide a means of filling the gap in the process of enforcement left by the decision of the present Mandatory Power that its troops could not be used as the instrument of the United Nations for this purpose".

The situation confronting the Council today, therefore, is one which my Government foresaw and against which they uttered clear and repeated warnings. These warnings went to a large extent unheeded, but it is not for me to complain about that. My Government's representative warned the Assembly as late as November 23rd that the gap in enforcement still remained. Sir A. Cadogan added

/s/ my.....

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"My Government do not consider that the Mandate requires them to establish either a Jewish State or an Arab State in Palestine by force or to coerce either people in the interests of the other: nor are they prepared now to accept any responsibility which would involve the use of British troops as the means for enforcing a decision against either people". That statement has subsequently been endorsed by the British Parliament.

The position of my Government is therefore well known. In December last it was stated in Parliament by the Foreign Secretary Mr. Bevin and myself that His Majesty's Government "have no intention of opposing the United Nations' decision but we cannot ourselves undertake either individually or collectively in association with others to impose that decision by force".

I have already said that in accordance with their declarations my Government have loyally accepted the recommendation of the Assembly and have assisted the United Nations Palestine Commission in preparing for its assumption of authority when the Mandate is terminated and the British security forces withdrawn. My Government are bringing to an end the discharge of their responsibilities towards Palestine under the Mandate and are leaving the future of that country to International Authority.

In the past my Government have tried hard to secure the cooperation of the Jewish and Arab communities in finding a solution of the Palestine problem. Reviewing the efforts we have made our experience both in the Assembly last year and during the conflicts in Palestine since and the fierce resentment of the Arab States we are I think entitled to say that all these events and experience demonstrate the wisdom of our attempts to find a settlement acceptable to both Jews and Arabs. We had hoped by our withdrawal and relinquishment of authority that the naked realities of the situation would be better appreciated by all concerned particularly the two communities in Palestine and that some new attempt at conciliation might be made. Unfortunately the situation has if anything grown worse: violence is the order of the day and open civil war may break out in Palestine at any moment.

/The.....

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The United Kingdom has played an honourable part as a member of the United Nations. It has made the United Nations the fundamental principle in its international policy. It cares much for the prestige and authority of that organisation. But I think it will be readily appreciated that the present situation is not of the making of the British Government. Because of the history of this problem it is not now our role to advise others what should be done. Moreover after all our declarations and our efforts for peace and accommodation between the parties my Government cannot reasonably be asked to contribute to whatever line of action the United Nations may now think necessary to implement the General Assembly's resolution. Further, since the resolution of the Assembly was taken, casualties have amounted to nearly 100 British servicemen and police killed and some hundreds wounded, to say nothing of heavy losses in other ways. For more than a quarter of a century the British have never ceased to contribute men, experience and resources to the end that Jew and Arab alike may prosper in Palestine and the Jewish National Home be established there. British public opinion will permit no more expenditure of life and treasure. It will acquiesce no longer in the use of British forces and the squandering of British lives to impose a policy in Palestine which one or other of the parties is determined to resist. We have already used force enough in Palestine in the interest of our international obligations. It has brought to my Government infinite anxiety and trouble - it has cost us dearly: it has brought down on our heads the execration of the Jews and the bitter resentment of the Arabs: it has made us the butt of malicious criticism throughout the world. We have played our part to the limit of our resources.

The United Kingdom is too deeply involved in the past history of Palestine to be called upon to shoulder any further commitments. Neither party in Palestine regards her as "impartial" her actions there have seldom escaped suspicion in the eyes of the world and all nations seemed relieved to know that her intention was completely to withdraw and completely to disentangle herself from Palestine. We cannot now take a course which may entangle us again.

In short while the Council must determine the nature of any support to be given to the United Nations Palestine Commission my Government for their part because of their past relations with Palestine, because of their position which has long been clear to all

/must

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must stand on their many declarations to withdraw the last part of the British forces by August first this year and refuse either individually or in association with others to impose the United Nations plan by force. The logic of our course is to abstain from voting on the question of enforcement.

Ends.

Foreign Office please pass immediate to Jerusalem as my telegram 129.

[Copies sent to Colonial Office for repetition to Jerusalem.]

ccc vvvv 66666

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25 FEB 1948

1948

Registry Number E 2625/4/31

TELEGRAM FROM

No.

Dated

Received in Registry

1111/1

11th Feb

14.0

24/6

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Security Council dialogue
Security Council, standard data report submitted
by the Commission.
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work of which will also be reported.

Last Paper.

2619

(Minutes.)

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Feb 25
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(Action completed.)

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Next Paper.

2624

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-2-

implementation of plan as a whole. Its parts were interdependent and it was not for Commission to emphasise any one at the expense of another.

(e) Jerusalem, even strong security forces at present maintained there by mandatory power, cannot prevent incidents like recent outrage. It follows that suggestion now canvassed in certain quarters that Governor should be appointed and then form Jerusalem Security Force is unrealistic. Information supplied by the mandatory power as to conditions under which members of existing British police would volunteer underlines this fact. Moreover, Jerusalem depends for all its essential services on areas beyond its boundaries and on communications through Arab State. Thus necessary prerequisites for establishing and maintaining international territory of Jerusalem simply do not exist. Jerusalem Security Force envisaged under the plan would be "utterly inadequate" by itself.

(f) Similarly Economic Union is quite impracticable without co-operation. In consequence of revision of intersection points as compared with original U.N.S.C.O.P. plan even intercommunication between the various sectors of either state is impossible without crossing territory of the other.

(g) No scheme of militias would meet security problem. Indeed, if both were formed there would be a serious risk of clashes.

(h) Lisicky concluded by quoting last paragraph of Commission's second report requesting "that effective assistance, without which it is firmly convinced it cannot discharge great responsibilities entrusted to it", the "five lonely pilgrims" could not be permitted to remain lonely if their pilgrimage was to have any effect.

5. United States representative (Austin) then made speech summarised in my immediately following telegram after which I delivered speech telegraphed verbatim in my second following telegram.

6. Afternoon session was chiefly taken up by a long and well argued speech by Syrian representative attacking partition plan on familiar lines and concluding as follows

[Begins]

Consequently application of Commission for international force under present conditions had no justification in functions of Security Council and should be relegated and neglected. Furthermore it cannot be claimed that any situation or dispute is hereby brought to the attention of the Security Council against any State in accordance with article 35 of the Charter referred to above. No

/application

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application of this nature exists allowing the Security Council to take steps in the matter. It is equally obvious that no measures of sanction or otherwise could be taken against any State under chapter 7 by the Security Council before being seized by a formal accusation made by a competent party and before an examination of the complaint is made in the presence of both sides with a view to substantiate the accusation.

[Ends]

7. Colombian representative, in a short speech, stated that attitude of his Delegation remained the same as during Assembly. He introduced a draft resolution pointing out "that Articles 39 and 41 of the Charter referred to in recommendations (b) and (c) of the General Assembly's resolution of November 29th 1947 envisage measures to be taken in case of conflicts or disputes between States but do not authorise the Security Council to create special forces for the purposes indicated by the United Nations Palestine Commission" and concluding as in my telegram No. 644.

8. Discussion continues at 3.00 p.m. February 25th

Foreign Office please pass to Jerusalem immediate as my telegram No. 127.

[Copies sent to Colonial Office (Telegraph Section) for retransmission to Jerusalem]

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1948

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E 2624

25 FEB 1948

Registry Number E 2624/4/31

TELEGRAM FROM

No. U.K. No. 1
Dated 11th Feb
Received in Registry 644
24 Feb
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Security Council
After New York Lt. Gen. (E 2623/4/21) para. 7.
transmits list of operative paragraphs of
Columbian draft Resolution.

Last Paper.

2623

(Minutes.)

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Resolution now withdrawn

H.B. 28/2

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Next Paper.

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25 FEB 1948

Registry Number E2627/4/31

TELEGRAM FROM

No. U.K. Rd

Dated New York

Received in Registry 641
24 Feb
25

Security Council
Refer New York tel (40) (E2623/4/31)
Transmit verbatim passages from speech of
U.S. representative (MURPHY) Security Council.

Last Paper.

2624

(Minutes.)

H.B. 297/2

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(Print.)

(How disposed of.)

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Next Paper.

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(2)

6. Although the Security Council is empowered to use and would normally attempt to use measures short of armed force to maintain the peace it is authorised under the Charter to use armed force if it considers other measures inadequate. A finding by the Security Council that a danger to peace exists places all members of the United Nations, regardless of their views, under obligation to assist the Council in maintaining peace. If the Security Council should decide that it is necessary to use armed force to maintain international peace in connexion with Palestine the United States would be ready to consult under the Charter with a view to such action as may be necessary to maintain international peace. Such consultation would be required in view of the fact that agreement has not yet been reached making armed forces available to the Security Council under the terms of Article 43 of the Charter.

7. The Security Council is authorised to take forceful measures with respect to Palestine to remove a threat to international peace. The Charter of the United Nations does not empower the Security Council to enforce a political settlement whether it is pursuant to a recommendation of the General Assembly or of the Council itself.

8. What this means is this: the Council under the Charter can take action to prevent aggression against Palestine from outside. The Council by these same powers can take action to prevent a threat to international peace and security from inside Palestine but this action must be directed solely to the maintenance of international peace. The Council's action, in other words, is directed to keeping the peace and not to enforcing partition.

9. The first monthly report of the Palestine Commission shows the need for continued negotiations by the Commission with the Mandatory Power and with representatives of the Jewish and Arab communities of Palestine if the Commission is to proceed with its task.

10. My Government believes that with respect to this first report the Security Council might wish to inform itself of the situation to determine what guidance or instructions it might usefully give to the Palestine Commission. To that end we suggest that the Security Council itself consult at once by means of a committee with the Palestine Commission, the Mandatory Power and the representatives of the communities of Palestine.

11. Special report on security does not allege that a threat to the peace, breach of the peace or act of aggression has occurred in Palestine. It reports facts which is accepted or substantiated by the Security Council would appear to lead to the conclusion that a threat to international peace is present in that situation. With this special report before it the Security Council must in our opinion look into the matter immediately to determine whether such a danger exists. The report looks ahead to what it considers will happen in the future and clearly implies that a threat to the peace and a breach of the peace will occur if the Commission continues its efforts to determine the Commission's resolution. The Commission has reached the conclusion that it cannot fulfill its functions under the General Assembly resolution unless armed forces are provided to the Commission by the Security Council. 12....

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(5)

12. In the first place the Security Council should go immediately into the question of the maintenance or restoration of international peace. The information which is officially before us as well as unofficial reports from Palestine indicates that a major security problem is involved. The second type of action should be directed toward giving effect to the recommendation of the General Assembly with the full use of, but within the limitations of, the powers of the Security Council under the Charter. While taking necessary measures to maintain international peace the Security Council should make every effort to get an agreement on the basis of the General Assembly recommendation for the underlying political difficulty. For this purpose the Security Council should begin at once its consultations with the Palestine Commission, the Mandatory Power and representatives of the principal communities of Palestine. These consultations should, we suggest, be held in New York in order that the Council itself may be kept closely advised at all stages.

13. Although we do not wish to place specific resolutions before the Council at this early stage of the discussion my Government believes we should have in mind the desirability of the following specific steps which the Council might take at once.

(A) To accept the tasks which the General Assembly asked the Security Council to accept in its recommendation of November 29th 1947 on Palestine subject to the authority of the Security Council under the Charter.

(B) to establish a committee of the Council comprising the five permanent members to look at once into the question of the possible threats to international peace arising in connexion with the Palestine situation and to consult with the Palestine Commission, the Mandatory Power and representatives of the principal communities of Palestine concerning the implementation of the General Assembly recommendation.

(C) to call upon all Governments and peoples particularly in and around Palestine to take all possible action to prevent or reduce the disorders now occurring in Palestine.

Foreign Office please pass immediate to Jerusalem as my telegram No. 128.

[Copies sent to Colonial Office for repetition to Jerusalem].

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Security Council were to send a force to Palestine, not in order to impose the partition plan but simply in order to keep the peace, what would be the relationship between this force and the Commission appointed by the General Assembly? If the Commission were permitted to carry out its task, and the force were used to prevent any interference with it, this would amount to imposition of the plan by the Security Council, and no theoretical distinctions could obscure this fact. I hope you can persuade the Americans in private to come clean on the practical implications of their doctrine in relation to Palestine. ~~Until they have done so, it is very difficult for us to offer you any guidance on this aspect of the problem.~~

3. It is presumably not yet decided in what order the American and the Colombian resolutions will be taken. I assume it is also possible that additional resolutions may be proposed, or that an attempt may be made to work out a composite text. ~~Again it is difficult to suggest what tactics you should pursue until the probable course of events is clearer here.~~ *We cannot suggest any other tactics you should pursue but stick to our straight line*

4. Assuming, however, that Austin's suggestion for a committee consisting of the Big Five is formally moved, my decided opinion at present is that you should decline to participate. I do not see how we could possibly agree to serve as a member of a committee formed to "consult . . . concerning the implementation of the General Assembly's recommendation". As you so well expressed/

show it is to operate & what they really intend.

[show it is to operate and what they really intend]

[we cannot suggest any other tactics you should pursue but stick to our straight line]

NOTHING TO BE WRITTEN IN THIS MARGIN.

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expressed it in your speech, we "cannot reasonably be asked to contribute to whatever line of action the United Nations may now think necessary to implement the "General Assembly's resolution", and "we cannot now take a course which may entangle "us again". I agree, however, that you should state that the U.K. Delegation would be available for consultation by any such committee and that they would be ready to supply it with the fullest possible information about the present situation in Palestine and its historical background.

NOTHING TO BE WRITTEN IN THIS MARGIN.

[All this might be a trick to involve us again. We must not be led into that position under any circumstances]

5. All this ~~is~~ might be a trick to involve us again. We must not be led into that position under any circumstances

[Copy sent to Mr. G. Strakerick]
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Cypher/OTP
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SECRET

DIPLOMATIC (SECRET)

FROM FOREIGN OFFICE TO NEW YORK

(To United Kingdom Delegation to United Nations)

No. 890 D. 11.50 p.m. 25th February, 1948

25th February, 1948
Repeated to Washington No. 2281,
Jerusalem

IMMEDIATE
SECRET

Addressed to United Kingdom Delegation New York telegram No. 890 of February 25th repeated for information to Washington and Jerusalem.

Your telegram No. 643 [of February 24th: Palestine].

Following for Colonial Secretary from Secretary of State.

Senator Austin's speech reported in your telegram No. 641 contains several points of doctrine to which we should probably have difficulty in subscribing. For instance, the argumentation in paragraphs 2, 3, 4 and 5 taken as a whole rather seems to suggest that, in spite of what is said in paragraph 2, there is some obligation on minorities to accept recommendations by the General Assembly.

2. For tactical reasons, it may well be best at this stage not to express a view on Senator Austin's curious and mixed doctrine, but I am still not clear as to the practical consequences which would follow from the adoption by the Security Council of his doctrine concerning enforcement. If the Security Council were to send a force to Palestine, not in order to impose the partition plan but simply in order to keep the peace, what would be the relationship between this force and the Commission appointed by the General Assembly? If the Commission were permitted to carry out its task, and the force were used to prevent any interference with it, this would amount to imposition of the plan by the Security Council and no theoretical distinctions could obscure this fact. I hope you can persuade the Americans in private to come clean on the practical implications of their doctrine in relation to Palestine how it is to operate and what they really intend.

3. It is presumably not yet decided in what order the American and the Colombian resolutions will be taken. I assume it is also possible that additional resolutions may be proposed, or that an attempt may be made to work out a composite text. We cannot suggest any other tactics you should pursue but stick to our straight line until the probable course of events is quite clear here.

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4. Assuming, however, that Austin's suggestion for a committee consisting of the Big Five is formally moved, my decided opinion at present is that you should decline to participate. I do not see how we could possibly agree to serve as a member of a committee formed to "consult ... concerning the implementation of the General Assembly's recommendation". As you so well expressed it in your speech, we "cannot reasonably be asked to contribute to whatever line of action the United Nations may now think necessary to implement the General Assembly's resolution", and "we cannot now take a course which may entangle us again". I agree, however, that you should state that the United Kingdom Delegation would be available for consultation by any such committee and that they would be ready to supply it with the fullest possible information about the present situation in Palestine and its historical background.

5. All this might be a trick to involve us again. We must not be led into that position under any circumstances.

[Copy sent to Middle East Secretariat].

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INWARD TELEGRAM

TO THE SECRETARY OF STATE FOR THE COLONIES

AMENDED COPY ('2' added at # indicating para.)

Cyprus (U.F.V.)

ADMIRALTY (Gen. Sir A. Cunningham)

D. 17th February, 1948
R. 1948 " " " 15.20 hrs

IMMEDIATE

No. 354

Addressed to S. of S.
Repeated to U.K. Delegation BRIP No. 376 (please pass).

Foreign Office telegram to U.K. Delegation No. 459, repeated to me as your No. 428.

Essential Food Imports.

I confirm that shipments mentioned in paragraph 3 will cover requirements until 15th May, but wish to stress again that difficulties of antinatal distribution during periods of uncertain security will be such that a total of 10 shipments of flour instead of grain can be arranged.

2. It is to make arrangements for procurement after 15th May is pending very slow, and unless some agreement with U.N. Commission as to transfer of the responsibility for I.M.P.C. supplies after that date can be arrived at in the very near future, I consider that local import licensing restrictions should be reduced not later than the end of this month in order to facilitate procurement of supplies through such uncontrolled trade courses as local agents might be able to develop.

3. With reference to opinion expressed in my telegram No. 27, repeated to U.K. Delegation on 7th of 1948 January, I am anxious to avoid a situation whereby local importers are denied until too late, the opportunity to make such independent arrangements as they can. If confidence of present procedure is not going to be guaranteed by U.N. Commission, unless therefore you can inform me that U.N. Commission have agreed to make arrangements for procurement, it will be necessary to grant import licences for procurement through normal trade channels (with allocation of foreign exchange where necessary) up to volume of essential supplies required for period until say 1st August.

4. As advised in my telegram No. 279 of 3rd February the estimated expenditure of hard currency on essential foodstuffs for calendar year 1948 is £22,100,000. This figure is calculated on assumed low or average to be received against I.M.P.C. and other supplies. Some ground is purchased outside Imperial and other supplies would come each year could be obtained through normal trade channels, and surrender of control over supplies through normal trade channels would find very difficult to say nothing of the almost impossible task of finding supplies as to what the minimum quantities for each of the various commodities would be.

Correction received 17th February.

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5. As regards importation of iron and purchased materials, I am now giving the Government (Steel Works) the proposed 3 months' notice. It is an aim of these contracts to have effect on 15th May. I have asked the U.K. Commission to be immediately informed of the matter and advised to consider expanding all cases referred to me mentioned in the Commission's report to include the purchase and interests to be made present (hold of government). I should be glad to help in each case, and to advise you of current agreement with the Commission in this connection to you by returning, with further copy to the Commission.

6. In connection with re-organizing the steel industry, as proposed at once and after 15th May, there is grave danger of serious loss of work after 15th May. For this the Administration and the Government inevitably be blamed. In this respect I would be glad to give information to the Government (referred to) in the light of the above.

Copies sent to:- Executive Committee of the Government.

P.S. to the Prime Minister.
 P.S. to the Chancellor of the Exchequer.
 P.S. to the Lord President of the Council.
 P.S. to the Minister of Economic Affairs.
 P.S. to the S. or S. for Commerce and Industries.
 P.S. to the Minister of Food.
 P.S. to the President of the Board of Trade.
 P.S. to the Minister of Supply.
 The Permanent Secretary to the Treasury.
 Board of Trade - Mr. [Name]
 Treasury - Mr. [Name]
 " - Mr. [Name]
 " - Mr. [Name]
 " - Mr. [Name]
 " - Mr. [Name]
 Commonwealth Relations Office - Mr. [Name]
 Colonial Office - Mr. [Name]
 Ministry of Food - Mr. [Name]
 Ministry of Supply - Mr. [Name]
 Foreign Office - Mr. [Name]
 (Economic Relations Dept.)
 Min. of Fuel and Power - Mr. [Name]
 Bank of England - Mr. J. Roother
 " - Mr. G.E. Lockie
 Treasury - Mr. H.R. Young
 " - Miss Loughman
 " - E.C.C.S.

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DRAFT CYPHER TELEGRAM (O.T.P.)

IMMEDIATE

(1) High Commissioner
PALESTINE.

(2) UKDEL,
New York.

Addressed High Commissioner Palestine No.....

Repeated to U.K. Del. New York, Brief No.....

Your telegram No. 354 repeated to U.K. Del. Brief
No. 376. Essential food imports.

Position is under consideration with U.N. Commission
representatives and Ministry of Food. Present indications
are that the Ministry of Food will continue normal shipments
up to 15th May irrespective of fact that some supplies may
relate to subsequent period. Continued shipments after
that date will depend on supply procedure finally agreed in the
case of each commodity. Continuance, where possible, of
programme on U.N. Commission's behalf is not ruled out.

2. Position after 15th May cannot be settled until decision
of U.N. Commission is known as to whether they wish to ask for
Ministry of Food (a) to represent Palestine for the purpose
of allocation by I.E.F.C. (b) to act as agents for procuring
supplies. I will telegraph further on this as soon as possible.

3. As regards removal of import licensing restrictions, and
subject to the agreement reached with U.N. Commission on transfer
of responsibility for supplies after 15th May, now that Palestine
has left the sterling area there would be no objection in principle
to the removal of local import licensing restrictions for essential
food importations within the limits of foreign currency available,
subject to following points for consideration:-

(a) From discussions here with Reedman, Economic Adviser
to U.N. Commission, it is not yet clear whether
Commission would prefer immediate private importation,
or attempt to retain bulk purchase by some means - e.g.
para 2 above.

(b)

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(b) Difficulties might arise in assuring exporters, during remainder of Mandate, that payment would be made for delivery of foodstuffs after termination of Mandate.

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25 FEB 1948, 1948.

Dear Barton,

Many thanks for your letter of 23 February. Since you intend to repeat your telegram to New York I have taken the liberty of re-arranging it so as to bring out, as I hope more definitely, the matters on which a decision by the United Nations Commission is required.

I am copying this to Highness, Young and Nootham.

Yours sincerely,

H. R. Gals

Col. J. T. Barton, Esq.
Colonial Office,
Mitchell, C. 1. 1.

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Position has been discussed with representative of U.N. Commission and the Ministry of Food, and it has been made clear that the next step is for the U.N. Commission to decide as quickly as possible on the policy they will apply as from 15 May. It is for the U.N. Commission to choose between the various courses of action that appear to lie open:

- 1. To encourage private traders to import Palestine's requirements.
- 2. To set up their own supply machinery to take over functions similar to those hitherto performed by the Ministry of Food and the Government of Palestine.
- 3. To appoint agents (e.g. commercial houses in the U.S.A.) to buy and ship food on their behalf.
- 4. To request the Ministry of Food to function as agents of the U.N. Commission for the purchase and shipment of foodstuffs after 15 May.

The Ministry of Food is not anxious to function as the agent of the Commission, but agrees not to rule out the possibility of doing so should they receive a request from the Commission to do so in respect of particular commodities, and should it appear that no alternative procedure is reasonably practicable. /s/

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DT

WITH MISS LOUGHANE'S COMPLIMENTS

INDEXED

C.O. Ref. 17741/35/48

TREASURY CHAMBERS,
S.W.1.

E 2640/4 / 26th February, 1948.

Dear Mr. Barton,

We spoke on the telephone about procurement arrangements for food supplies for Palestine after 15th May (your letter and draft telegram of 23rd February and Mr. Oake's of 24th February).

I have discussed this with Mr. Jenkins here and we concur with Mr. Oake's draft, subject to the following amendments to paragraph 4:-

After "the possibility of doing so" add "for a strictly limited period."

At the end of the paragraph add: "It would be necessary to give careful consideration as regards the point at which Ministry of Food would be paid, and we cannot promise to incur any hard currency commitment on behalf of Palestine."

I mentioned to you that Mr. Reedman came to see us on Monday afternoon and that since he had talked to you and the Ministry of Food last week, his ideas seem to have crystallised in favour of continued Ministry of Food procurement rather than private importation. He did not touch upon the alternatives set out at 2 and 3 in Mr. Oake's draft telegram, but that may have been because he was talking to us only about the period immediately after determination of the mandate for which orders would have to be placed before May 15. Alternatives 2 and 3 seem to be ruled out as practicable propositions for that period since they pre-suppose that the U.N. Commission will be in possession of some funds - whereas the fact that they will not, seems to us to be Mr. Reedman's chief worry. I enclose for your records a copy of the note I made of the conversation.

C. J. J. T. Barton, Esq.,
Colonial Office

Dover House,
Whitehall,
S.W.1.

/I an

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I am copying this letter and enclosure to Mr. Oake,
Mr. Hugh Jones and to Mr. Rootham. I have discussed the question
with the Bank of England and understand that they have no comments
to make.

Yours sincerely,

MARY LOUGHVANE

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A. Burrows to ~~London~~ ⁵³
clerk

The Church House
96 Smith St SW 1
1 March 1948.

Immediate

My dear Burrows,

I enclose a dft telegram to
UKDEL New York on the lines agreed
at our meeting this morning. ~~Send~~

It has been cleared with the Treasury
and the Ministry of Food.

If the FO see no objection
could you please arrange for its
immediate despatch, referring to
Jerusalem.

J. M. Mallin

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United Kingdom Delegation to
United Nations,
NEW YORK.

Barton 1/3

Add UK Del. N York Tel. No. 954

M d 2nd repeated High Commissioner, for info.
PALESTINE

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and, script Washington having

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N York 954

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Rep. Jerusalem

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Cypher

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No. from UK Palestine 3
Brief 4376 (Repeating his No
Palestine 354 to Colonial Office)

Essential Food Imports.

Position has been discussed with
Readman and it has been made clear that
next step is for United Nations Commission
to decide as quickly as possible on the
policy which they will apply as from the
15th May next.

2. In the meanwhile, and because of
of the matter
the urgency, it is proposed to authorize the
High Commissioner, at his discretion, to
issue import licences as from the 7th March
to traders for the procurement of sufficient
foodstuffs to cover a period of about three
months after the 15th May next.

I.E.F.C. recommendations for
cereals have not yet been made beyond June
1948. The procedure proposed would mean
that Palestine imports additional to the
current recommendation would have to be
offset against the allocation for the follow-
ing period.

Copies to:- Mr. Fisher, Treasury,
Mr. Oake, Ministry of Food;
Mr. Gutch, ~~Church House~~
Mr. Barton ~~for info.~~ Colonial Office

/3.

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3. The condition would be that any hard currency commitments incurred would be met out of Palestine's own resources. No doubt private importers would, in many cases, be able to make their own currency arrangements out of gift dollars.

(For your own information and that of the High Commissioner, in the event of this policy involving sterling expenditure between now and 15th May substantially in excess of previous calculations His Majesty's Government would be prepared to consider making additional release from sterling balances during the period ending 15th May.

4 Please reply urgently saying whether United Nations Commission have any objection.

15 May 2

NOTE:

Telephoned from Treasury by Miss Loughnane on 1/3.

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COPY.

11 February 1948

Dear Mr. Epstein,

The United Nations Palestine Commission considered your communication of 26 January at its thirty-fifth meeting on 10 February 1948.

I am directed to inform you that the Commission has taken note of the offer of the services/Jewish Staff of the Town Planning Department, Jerusalem, during the transition period, and further that it is the policy of the Commission to ensure, as far as possible, that there shall be continuity in the functioning of administrative services as provided in paragraph 13, Section B, Part I of the resolution of the General Assembly on the Future Government of Palestine. These and related matters are now the subject of negotiation between the Commission and the Mandatory Power.

Sincerely yours,

(Signed) RALPH J. BUNCHE
Principal Secretary

Mr. A.E. Epstein,
Architect,
99 Abyssinian Street,
Jerusalem, Palestine.

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59

COPY.

UNITED NATIONS
Palestine Commission.

11 February 1948

Sir,

I have the honour to inform you that the United Nations Palestine Commission has directed me to communicate to you certain correspondence between it and the Jewish Staff of the Town Planning Department, Jerusalem, copies of which are enclosed.

I have the honour to be,

Sir,

Your obedient servant,

(Signed) RALPH J. BUNCHE
Principal Secretary

His Excellency,
The Right Honourable Sir Alexander Cadogan, G.C.M.G., K.C.B.,
United Kingdom Representative to the United Nations,
Permanent United Kingdom Delegation to the United Nations,
61st Floor,
350 Fifth Avenue,
New York 1, N.Y.

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LEVY, Ben Zion	24	Male	Draughtsman	General Draughtsmanship, colouring, etc.
ZELIKOVITZ, S.	29	Male	Draughtsman	General Draughtsmanship, colouring, etc.
SENDEROV, Ziporah	20	Female	Typist	Typing (clerk)

We remain,

Sirs,

Your most obedient servants.

(signed) A. E. EPSTEIN

On behalf of the Jewish Staff of
the Town Planning Department
Jerusalem Headquarters

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En Clair

WORLD ORGANISATION DISTRIBUTION

FROM NEW YORK TO FOREIGN OFFICE

(From United Kingdom Delegation to United Nations)

No. 667

25th February, 1948

D. 9.26 p.m. 25th February, 1948
R. 3.00 a.m. 26th February, 1948

Repeated to Washington,
Jerusalem,
Cairo.

IMMEDIATE

GIANT

Addressed Foreign Office telegram No. 626 of 25th 1948
February repeated to Washington, Jerusalem and Cairo.

My telegram No. 640.

Palestine.

At Security Council meeting on February 25th
United States representative moved draft resolution contained
in my immediately following telegram.

2. Egyptian representative then made a long and
reasoned speech (described as "preliminary remarks")
in which he made inter alia following points

(1) There was already respectable precedent for
non-compliance with Assembly plan viz United Kingdom refusal
to accept recommendations about opening a port and about
progressive turning over of administration.

(2) Arabs inside and outside Palestine would remember
their Charter rights of equal sovereignty, self-determination
and self-defence.

(3) Few Arab volunteers had so far joined their
brethren in Palestine and Arab States had not intervened
in the armed dispute. On the other hand well armed Zionists
get practically all the arms they want and with their
octopus like influence throughout many countries they
are obstructing Arab efforts to arm for self defence".

(4) He asked United Kingdom representative about the number
of armed Jews in Palestine especially those belonging to
Haganah Stern and other Zionist bodies and how much armament
and how many troops United Kingdom had found necessary for
defence in Palestine.

(5) Mandatory power had helped in various ways to arm
the Jews in Palestine since 1936 and had drastically disarmed
Arabs at times especially during 1936-39. Arabs now were
much less well armed than the Jews. If this trend continues
a point will be reached at which the Arab countries around
will have no choice but to rush to the rescue of the Arabs
in Palestine.

(6) Arrival of Commission in Palestine would "so much
further inflame feelings there and around that irreparable
damage is bound to follow. We can easily imagine the

resentment....

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(2)

resentment and fury which will encounter any attempt to send a non-Palestine armed force into Palestine".

(7) Arabs had repeatedly offered moderate solutions that is those presented to London Conference on 1946-47 and to special and regular sessions of United Nations Assembly. Since Assembly's resolution was adopted "peace in Palestine had become a word of bygone days and the Charter is sick, very sick, indeed. As a member of the un-loyal to it and to the Charter Egypt steadfastly stands against the Assembly's resolution which strikes at the very basis of our organisation and recklessly threatens to dynamite world peace".

3. No one else offering to speak Chairman adjourned discussion until 3 p.m. on Friday February 27th which is earliest possible time owing to intervening business.

4. See my two immediately following telegrams.

Foreign Office please pass to Jerusalem and British Middle East Office Cairo (British Middle East Office please pass to Embassy) as my telegrams Nos. 135 and 4 respectively.

[Repeated to British Middle East Office Cairo and copies sent to Colonial Office (Telegraph Section) for retransmission to Jerusalem].

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to Palestine constitutes a threat to international peace and security and to report its conclusions as a matter of urgency to the Council together with any recommendations for action by the Security Council which it considers appropriate (C) to consult with the Palestine Commission the mandatory power and representatives of the principal communities of Palestine concerning the implementation of the General Assembly recommendation of 29th November 1947.

Appeals to all governments and peoples particularly in and around Palestine to take all possible action to prevent or reduce such disorders as are now occurring in Palestine.

[Ends].

Foreign Office please pass to Jerusalem and B.M.E.O. Cairo (B.M.E.O. please pass to Embassy) as my telegrams Nos. 136 and 5 respectively.

[Repeated to B.M.E.O. Cairo and copies sent to Colonial Office Telegraph Section for retransmission to Jerusalem.]

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As a result of the recommendations of the General Assembly of November 29, 1947, Palestine is now before several of the principal bodies of the United Nations for various types of action under the Charter. The United States as a member of the United Nations and of those bodies will continue to deal with the question of Palestine as a member of the United Nations in conjunction with other members. United States policy will not be unilateral. It will conform to and be in support of United Nations action on Palestine.

While we are discussing the problem of Palestine it is of first importance to the future of the United Nations that the precedent to be established by the action taken in this case be in full accord with the terms of the Charter under which we operate. The interpretation of the terms of the Charter given in the Palestine issue will seriously affect the future actions of the United Nations in other cases.

Let us turn now to the first and most important document before us, namely, the General Assembly resolution of November 29. The recommendations of the General Assembly have great moral force which applies to all members regardless of the views they hold or the votes which they may have cast on any particular recommendation. Similarly, the Security Council, although not bound under the Charter to accept and carry out General Assembly recommendations, is nevertheless expected to give great weight to them.

Attempts to frustrate the General Assembly's recommendation by the threat or use of force, or by incitement to force, on the part of states or people outside Palestine are contrary to the Charter. You may recall that when the representative of the United States expressed the views of my Government to the General Assembly on the Palestine question on October 11, 1947, he said we assumed that there would be Charter observance. The life of this union depends upon obedience to the law. If any member should violate its obligations to refrain in its international relations from the threat or use of force, the Security Council itself must act.

The recommendation of the General Assembly makes three separate requests of the Security Council. The first -- (a) -- is that the Council "take the necessary measures as provided for in the plan for its implementation." To determine what these measures are, it is necessary to turn to the plan itself. It will be seen that these are: (1) to give guidance to the Palestine Commission; (2) to take such action as the Security Council may deem proper with respect to either the Jewish or the Arab state if by April 1, 1948, a provisional council of government cannot be selected for that state, or, if selected, cannot carry out its functions; (3) to issue such instructions to the Commission as the Security Council may consider necessary; (4) to receive and consider periodic progress reports, special reports and the final report of the Palestine Commission; (5) to give sympathetic consideration to the application for membership in the United Nations made by either the Arab or the Jewish state when a certain stage in the plan has been achieved.

We believe it is clear that the Security Council can undertake the above-mentioned measures. It is further clear from the terms of the resolution of November 29, 1947, that the Palestine Commission is bound by whatever instructions the Council gives to it pursuant to the Assembly's requests.

(more)

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We come to the two following requests of the General Assembly as set forth in the resolution of November 29. These invoke the wide peace - keeping powers of the Security Council under the Charter. Request (b) in the resolution asks the Security Council to consider whether the situation in Palestine during the transitional period constitutes a threat to the peace.

The third request of the General Assembly --- (c) --- asks that "the Security Council determine as a threat to the peace, breach of the peace or act of aggression, in accordance with article 29 of the Charter, any attempt to alter by force the settlement envisaged by this resolution."

I am sure that every member of this body is deeply concerned with the tragic events which have taken place in Palestine since November 29. Our hearts are saddened by the internecine hostilities, the inter-racial strife, the inter-religious conflict, which in these past three months have stained the soil of the Holy Land with the blood of Briton, Jew and Arab. If these conditions continue this Council must consider whether or not the situation in Palestine is a threat to international peace. The Council would have to do this even if the resolution of November 29 had never been written, because under the Charter it must take steps "to prevent or remove any threat to the peace, breach of the peace or act of aggression."

In considering whether or not the situation in Palestine is a threat to international peace, the Security Council should consult with the United Kingdom which as mandatory power is responsible for the protection of Palestine and the maintenance of internal order therein.

Requests (b) and (c) of the Assembly's resolution, mentioned above, raise constitutional questions of the Security Council's powers under the Charter. What are the powers of the Security Council?

The Security Council is given the responsibility under the Charter to "determine the existence of any threat to the peace, breach of the peace or act of aggression."

If it makes such a determination with respect to the situation in Palestine the Council is required by the Charter to act. Its finding and subsequent action might arise either in connection with incursions into Palestine from the outside or from such internal disorder as would itself constitute a threat to international peace.

If the Council finds that a threat to international peace or breach of the peace exists, the Charter authorises it to follow various lines of action. It is empowered to make recommendations, or to take "provisional measures", under article forty, or to impose economic and other non-military sanctions under article forty-one, or to take military measures under Article forty-two. The Council is required to follow one or more of these lines of action. It may pursue these lines of action in any sequence it deems proper.

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Although the Security Council is empowered to use, and would normally attempt to use, measures short of armed force to maintain the peace, it is authorized under the Charter to use armed force if it considers other measures inadequate. A finding by the Security Council that a danger to peace exists places all members of the United Nations, regardless of their views, under obligation to assist the Council in maintaining peace. If the Security Council should decide that it is necessary to use armed force to maintain international peace in connection with Palestine, the United States would be ready to consult under the Charter with a view to such action as may be necessary to maintain international peace. Such consultation would be required in view of the fact that agreement has not yet been reached making armed forces available to the Security Council under the terms of Article 43 of the Charter.

The Security Council is authorized to take forceful measures with respect to Palestine to remove a threat to international peace. The Charter of the United Nations does not empower the Security Council to enforce a political settlement whether it is pursuant to a recommendation of the General Assembly or of the Council itself.

What this means is this: The Council under the Charter can take action to prevent aggression against Palestine from outside. The Council by these same powers can take action to prevent a threat to international peace and security from inside Palestine. But this action must be directed solely to the maintenance of international peace. The Council's action, in other words, is directed to keeping the peace and not to enforcing partition.

The United States Government believes that the first of the three requests made by the General Assembly to the Security Council under its resolution of November 20, 1947, can properly be complied with by the Council. With respect to the second and third requests of the Assembly's resolution -- requests (b) and (c) -- the Council must act if necessary to preserve international peace and security or to curb and repel aggression as provided for in the Charter.

To come now to the second of the documents before us, namely the first monthly report of the Palestine Commission to the Security Council dated February 2, 1948. It reflects the seriousness and the diligence with which the Commission has addressed itself to its difficult task in the course of its 26 meetings in January. The report contains a useful and practical analysis of the tasks set for the Commission by the General Assembly and lists the significant dates which constitute the framework of implementation. Two elements in the report are deeply disturbing to my Government. The first is the refusal of the Arab Higher Committee to designate representatives to consult with the Commission. The other is the continued deterioration of the situation in Palestine. The report shows the need for continued negotiations by the Commission with the mandatory power and with representatives of the Jewish and Arab communities of Palestine if the Commission is to proceed with its task.

My Government believes that, with respect to this first report, the Security Council might wish to inform itself of the situation to determine what guidance or instructions it might usefully give to the Palestine Commission. To that end, we suggest that the Security Council itself consult at once by means of a committee, with the Palestine Commission, the mandatory power and the representatives of the communities of Palestine.

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Although we do not wish to place specific resolutions before the Council at this early stage of the discussion, my Government believes we should have in mind the desirability of the following specific steps which the Council might take at once:

(a) To accept the tasks which the General Assembly asked the Security Council to accept in its recommendation of November 29, 1947, on Palestine subject to the authority of the Security Council under the Charter:

(b) To establish a committee of the Council, comprising the five permanent members, to look at once into the question of the possible threats to international peace arising in connection with the Palestine situation and to consult with the Palestine Commission, the mandatory power and representatives of the principal communities of Palestine, concerning the implementation of the General Assembly recommendations;

(c) To call upon all governments and peoples, particularly in and around Palestine, to take all possible action to prevent or reduce the disorders now occurring in Palestine.

There is no reason to believe that the Security Council will find this problem any less difficult than others have found it. But there is also no reason for excessive pessimism merely because the question is complicated and involves violence. The responsibilities of the Security Council in this situation are great. We feel confident that all members are ready for the Council to address itself at once to its task. (End Austin Text)

Following the U.S. statement Mr. Arthur Creech-Jones of Great Britain reiterated the stand of his Government on the Palestine issue, and said Great Britain would abstain from voting on the question of enforcement. Great Britain will refuse, either individually or in association with others, to impose the partition plan by force, Mr. Creech-Jones said.

The Colombian delegate Alfonso Lopez proposed action looking toward U.N. reconsideration of the General Assembly decision on partition of Palestine, just before the Security Council recessed on February 24.

Mr. Lopez suggested appointment of committee of the five major nations to consult with the Secretary General on the possibility of an extraordinary session of the Assembly. He also would ask Britain to delay termination of the mandate to July 15 to allow time for evolving an acceptable plan for the future government of Palestine.

Later a spokesman said the U.S. delegation was opposed to the Colombian proposal. He said the United States had no intention to seek revision or reversal of the General Assembly's recommendation for partition.

(more)

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FROM NEW YORK TO FOREIGN OFFICE.

(From United Kingdom Delegation to United Nations)

No. 669 D: 9.9 p.m. 25th February, 1948
25th February, 1948, R: 2.27 a.m. 26th February, 1948.

Repeated to Washington
Jerusalem.

MOST IMMEDIATE.
SECRET.
SECRET.

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1 2 3 4 5 6
1 2 3 4 5 6

Addressed to Foreign Office telegram No. 669 648 25th February. Repeated to Washington and Jerusalem.

My immediately preceding telegram and my telegram No. 643; Palestine.

Following are comments of Secretary of State for the Colonies and myself on United States Draft resolution.

2. Paragraph 1 seems wholly unacceptable from our point of view since paragraph (A) and (C) of Assembly resolution to which it refers, relate directly to implementation of Assembly plan. It would in any case be illogical and dangerous for the Council to adopt paragraph 1 before it has investigated the whole situation in accordance with paragraph 2 of draft resolution. Belgian representative who discussed text with us shares this view.

3. As regards paragraph 2 of draft it seems to us that any participation of ours in work of suggested Committee would of course have to be expressly limited within the terms of our statements as to implementation dates of withdrawal etc. Thus, while we could hardly refuse to give a view as to whether Palestine situation constitutes a threat to international peace and security (on which point we shall be telegraphing further) we could not (repeat not) take part in discussions "concerning implementation of general Assembly recommendation" (paragraph 2 (C) of draft resolution) on "guidance and instructions which the Council might usefully give to the Palestine Commission" (i.e. presumably in regard to implementation of Assembly plan) (paragraph 2(A) of draft).

4. We should be grateful for confirmation that you approve this line.

Foreign Office please pass to Jerusalem as my telegram No. 157.

[Copies sent to Colonial Office for repetition to Jerusalem].

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No.

26th February, 1948. 75

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HB

Despatched 15 M.

Draft.

U.K. Del. New York

Telegram.

No. 920

(Date) 27 Feb

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Washington 235

Jerusalem

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World Organisation

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F.D.

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Most
Immediate
~~Secret~~
Giant

Addressed to U.K. Del. New York. Telno. 920

Repeated to Washington & Jerusalem

Your telegram No. 669 [of Feb 25: Palestine]

I agree with your comments on para. 1 of

the United States' Resolution. Acceptance by the Security Council of the request contained in the preamble of the Assembly Resolution would amount to an immediate decision, without previous investigation, that -

- (1) any attempt to ^{resist} alter by force the settlement envisaged by the Assembly constitutes a threat to the peace; and
- (2) the Council must therefore take measures (at least under Articles 39 and 41) to empower the Commission to exercise in Palestine the functions assigned to it by the Assembly.

I should have thought it unlikely that the Security Council would agree thus to pre-judge at the outset the issues with which it is confronted.

2. I also endorse your view that you should not ^{subject me} agree to participate in the proposed ^{five-} ~~3-~~ power Committee for the purpose of carrying out clauses (A) and (C) of its terms of reference. It would be possible, as your telegram appears

to/

NOTHING TO BE WRITTEN IN THIS MARGIN.

(32854) W.L.11090/147 100,000 647 A.S.E.W.L.G. Gp.685

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8 1948	Palestine	E2697 / G 77
	EASTERN	

E2697 / 4/31/C
 F.O. Min
 Mr Wright
 dated 24 Feb.

Status and safety of
Jerusalem.

Last Paper	(Minutes)
E2697	J.B. 27/2
References	
(Print)	
(How disposed of)	
(ft) Mr Ashley Clarke Paris from Mr Wright 24 Feb.	
(Action completed)	(Index)

Next Paper

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Registry
No.

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Restricted.
Open.

Draft. letter

^H
Mr. Ashley Clarke
Paris

From
Mr. M. R. Wright

NOTHING TO BE WRITTEN IN THIS MARGIN.

3148 Wt. 26469/137 100m 9/46 (51) F.&S.

Enter here
E2697 78
SECRET

(My dear Ashley),

When Chauvel and Bonneau spoke to me about Palestine they both separately raised the question of the status and safety of Jerusalem, which they said was gravely preoccupying the French Government. I told them that we also were greatly concerned about the matter, and ~~told them~~ ^{informed} in confidence that when I left London an idea was being ~~discussed~~ ^{conceived} of an appeal to both Jews and Arabs to declare Jerusalem to be an open city where there would be a state of truce. I also said that in the period after the termination of the Mandate it might conceivably be preferable for Jerusalem to be administered by the Mayor and municipal council rather than by a governor appointed by the United Nations Commission since the arrival of the latter might be a signal for disturbances.

I now enclose for your own information a copy of our telegram No. 783 to New York. You will see that the idea of our putting forward a proposal that Jerusalem should be proclaimed an open city has now been left in abeyance at least for the time being.

As there may well be developments on the Security Council (which meets tonight) it is difficult to see clearly ahead ~~for the time being~~, and over Jerusalem as over other matters we shall be better able to form an opinion when
we/

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we know how the views of the Security Council are shaping.

Perhaps you will **inform** Chauvel verbally and in confidence of the gist of the above. I am particularly anxious that he should know that we are not for the time being ~~taking~~ proceeding ourselves with any proposals about Jerusalem, in case ^{he} ~~Chauvel~~ had decided to wait for an initiative from us.

WLS

24.2.

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E

2706 83

TOMAS

PALESTINE

26 FEB 1948

Registry Number E2706/4/31

TELEGRAM FROM

No. UK 101

Dated New York

Received in Registry 165
25.1.6
71

Reference to City of Jerusalem
after the 11.8.1946 (24.8.46) at meeting of all
representatives of Trusteeship Council (1.1.47)
where no more were put forward. It was
agreed that details in list be officially reported
to UN. It was also agreed that details should be afforded
to the UN. It was also agreed that details should be afforded
to the UN. It was also agreed that details should be afforded
to the UN.

Last Paper.

2703

(Minutes.)

S.B.

1/3

References.

B.u. on 7/4

(Print.)

(How disposed of.)

8) Wathman 80
1) Stephen Baboff
Johns M15
M.I. 29
M14
Admky
G.M.
Feb

(Action completed.)

J.M. 9.5

(Index)

162
2/27/48

Next Paper.

2706

30471 F.O.P

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Cypher/OTP.

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84

FROM NEW YORK TO FOREIGN OFFICE.
(From United Kingdom Delegation to United Nations).

No. 665. D. 10.30 p.m. 25th February 1948.
25th February 1948. R. 4.05 a.m. 26th February 1948.
Repeated to: Jerusalem and
Washington Saving.

270

IMMEDIATE.

BUILD.

26 FEB 1948

CONFIDENTIAL.

Addressed to Foreign Office telegram No.665
of 25th February, repeated for information to
Jerusalem and Washington Saving.

Following for Martin Colonial Office from
Burns.

Your telegram No.870. Governor of Jerusalem.

At private meeting today of all representatives
of Trusteeship Council (except Iraq) name of
Buisseret was put forward by France and Belgium.
He was later turned down on United States initiative.

2. Philippines and Australia stated they had
received no instructions.

3. Apart from repeating objection to appointment
of a United Kingdom national I said nothing material.

4. United States rather surprisingly objected
to Drury and proposed following names in this order:-

- (a) Stucki
- (b) Mudaliar
- (c) Egeland
- (d) Lange
- (e) Rappard

5. New Zealand then questioned whether an
American should be excluded and finally suggested
Sayre. It was suggested that Sayre should leave the
meeting and in his absence Gerig was asked to
ascertain from his Government whether they would agree
to Sayre's appointment. On his return Sayre was
obviously gratified although he said he would not take
on the job on the ground that an American would be

obviously

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85

- 2 -

obviously handicapped. United States Government has however definitely refused to agree to any American appointment.

6. It was generally agreed that if Sayre was not to have the appointment it should be offered directly to Stucki. Latter is believed to be in Havana and if this is confirmed Sayre will fly to Havana to offer Stucki the job. A resolution to this effect was passed in private session.

7. Other names were then considered in case Stucki declines. After France and Belgium had objected to Mudaliar it was decided not to proceed with consideration of other names until position concerning Stucki had been ascertained.

8. We will, of course, keep you fully informed.

Please pass to Jerusalem as my telegram No.134.

[Copies sent to Colonial Office for Mr. Martin and for retransmission to Jerusalem.]

W:W:W:W:W

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Hel. New York. 898

Rptd w/ You 2286
26 Feb

8, as above p/er
Du 5/26/62

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The Church House,
47, Smith Street,
London, S.W. 1.

89

My Reference

February 25, 1946.

Your Reference

Dear Balfour,

You will have noticed that in New York telegram to Foreign Office No. 999, Gaisworthy has asked if we wish to be kept informed by telegram of amendments made to the draft Statute for Jerusalem during the Trusteeship Council discussions. I should be grateful if you could arrange for the attached draft telegram to be despatched.

*Yours sincerely,
C.M. Mathieson*

(C.M. Mathieson)

Telegram despatched 26/ii

D. Balfour, Esq.

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3149 Wt. 26469/137 100m 946 (51) F.&S. NOTHING TO BE WRITTEN IN THIS MARGIN.

E2709/4/31
Registry
No. ~~430/10/78~~

Top Secret
Secret.
Confidential.
Restricted.
Open.

Draft.

Sir N. Canavan,
New York.

Telegram.

No. 898

(Date) Feb. 26

Repeat to:-

Jerusalem, and
Washington 2286

En Clair.

Code.

Cipher.

Distribution:-

Trustship

Copies to:-

6/10 pm

BUILD

addressed to UK Delegation New York tel.
No 898 of February 26th - - - repeated
for information to Jerusalem and Washington.

~~Handwritten~~

Your telegram No. 995. // Following

for subsisting from Martin, Colonial

Office. We should like to be kept

informed by telegram, repeated to

Jerusalem, of amendments made to draft

Jerusalem statute.

F.O.

90

D.B.
26/2

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the narrow limits of powers expressly conferred by subsequent chapters in cases where this was clearly necessary for maintenance of international peace and security.

5. While Commission's report (summarised in my telegram No. 543) does not (repeat not) specifically invite the Council to determine existence of a threat to the peace under Article 39 it must be supposed that any action which the Council might decide to take could only be founded on such a determination and on the provisions of Chapter VII. Under the broad interpretation of its powers suggested in paragraph 4 above the Council might decide that the maintenance of international peace and security required either

(a) the implementation of the Assembly plan by means of a sufficient force or

(b) ~~the~~ working out of a new plan either by the Council or by the Assembly.

6. In the event of (b) I should expect that Council would refer the matter to a special assembly rather than try to work out a new plan itself if only because of far reaching implications which would otherwise arise if suggested in paragraph 4 of Washington telegram under reference. (I understand indeed that it is MacNaughton's aim to refer the whole matter back to the Assembly on the basis that present plan is unworkable and that he is moved in this chiefly by a desire to keep Russian forces out of Palestine).

7. Such a procedure would of course not necessarily dispose of the problem which Rusk has in mind since issue of implementation by the Council would presumably arise in respect of any new plan which the Assembly might work out. It might however be hoped that that issue would present itself in a less acute form either because of superior merits of new plan or in the unlikely event of Assembly achieving some measure of conciliation between the parties.

8. Should the Council refer the matter back to the Assembly it seems likely that we shall be faced with a request to continue to hold the mandate for Palestine after May 15th and even to defer date of evacuation so as to give time for a new solution to be worked out. I presume that we should refuse such a request even though in situation contemplated Arab resistance might be less fierce and task of security forces perhaps easier. Request if made would presumably be founded upon Article 40 and perhaps Article 48 of the Charter. We should I think be on fairly strong ground in resisting such a request since we could argue that Article 48 presupposes agreements under Article 43 and since Article 40 clearly contemplates a different type of situation namely where two or more parties are dangerously implicated and some provisional measures are essential to reduce tension. But we might be subjected to moral pressure in the light of Articles 24 and 2 of the charter and to this extent it would seem to be in our interest to adopt a restrictive interpretation of the powers of the Security Council.

[Advance copy sent to Mr. Jebb].

k k k

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95

VN

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Cypher/OTP

FILES.

FROM NEW YORK TO FOREIGN OFFICE.

(From United Kingdom Delegation to United Nations)

No. 608. D. 10.53 p.m. 20th February, 1948.
20th February, 1948. R. 4.35 a.m. 21st February, 1948.

Repeated to Washington.

IMMEDIATE.

SECRET.

27/29

27 FEB 1948

Addressed to Foreign Office telegram No. 608 of 20th February, repeated for information to Washington.

My telegram No. 588.

1. Senator Austin has just told me that on Tuesday next when Security Council is due to begin discussion of Palestine, he will develop following thesis. Security Council is not, under the Charter, empowered to enforce recommendations of the General Assembly. Council can only employ forces within the framework of Chapter VII of the Charter, and such employment of force is dependent on a determination under Article 39.

2. He asked me whether we accepted this doctrine. I said that I could not give him an official answer, but that I personally thought it would be difficult to argue against it, though I reminded him that at the time when Security Council assumed certain responsibilities in connexion with Trieste, some of us had argued that powers of the Council could not be too strictly limited to functions specifically prescribed in the Charter.

3. I asked him if he could tell me to what practical conclusion this argumentation would lead him, but he told me that he did not yet know. He would be in Washington on Monday when line of policy of United States Government would be finally determined.

4. I do not know whether you would wish United Kingdom Delegation to take part in any legal-constitutional discussion on the aspect of the problem indicated in paragraph 1 above nor, if you do, what you would wish us to say.

5. Canadian delegate tells me he hears from indirect but reliable sources that United States military authorities have represented to United States Government that in no circumstances should action under Article 106 of the Charter be agreed to.

6. From the same sources he had heard that United States Government were being urged to adopt the line that the Assembly plan, not having been accepted by the two parties, had no validity, and even that the appointment of the Commission was irregular, so that it had no legal existence. Paragraph 1 above seems to show that part of this anticipation is correct.

[Copy sent to Mr. Jebb].

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E

96

1848

PALESTINE

2752

27 FEB 1948

Registry Number £2752/4/31

FROM

No.

Dated

Received in Registry

Progi
Salary.
Feb 25
- 27

Legal aspects of handing over of Mandate
Embassy at request of Dr. Jaanali. See copies of
memos attached. The legal aspects of the
U.K. handing over of Palestine to the
U.N. Partition Committee.

Last Paper.

2734

(Minutes.)

References.

(Print.)

(How disposed of.)

U.N. (Pst) Dept. in obs.
I think I would prefer to see
the Legal Adviser's comments before
giving our own.
FR 282.
Held for six weeks by Mr. Bailey & no further
action taken. Can be put away.

D.B. from 27/2

D.B.
22/4

(Action completed.)

(Index)

5/2/4

[Handwritten signature]

Next Paper.

2755

26513 F.O.P.

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THE LEGAL ASPECTS OF THE UNITED KINGDOM'S HANDING
OVER OF PALESTINE TO THE UNITED NATION'S PARTITION COMMITTEE

The handing over of Palestine by the Mandatory Power to the Committee appointed by the General Assembly of the United Nation's raises two serious legal issues.

The first concerns the Mandatory Power directly. The second concerns the authority of the General Assembly to deal with the problem in the manner with which it has resolved to deal, and indirectly concerns the Mandatory Power which is to recognize the validity of the decision of the United Nation's General Assembly.

1). Legal problems related to Britain's disposal of the Mandate.

Great Britain held the Mandate of Palestine under Para. 4. Article 22. of the Covenant of the League of Nations. Article 22 of the Covenant is the sole legal source from which the Mandatory derives its authority. According to Para. 4. Article 22. the inhabitants of Palestine, who were part of the Turkish Empire, are entitled to independence and Palestine, like Iraq, Trans-Jordan, Syria and Lebanon, should obtain its independence in which case the matter need not be handled by the United Nations. If Britain, however, does not recognize the readiness of the people of Palestine to independence she can hand over Palestine to the United Nations in the only way which is compatible with the Charter namely through a trusteeship agreement, which agreement should be made with the states directly concerned as stipulated by Article 79 of the Charter.

States, members of the Arab League, are certainly states directly concerned with the destiny of Palestine. Hence a Trusteeship agreement, before being submitted to the United Nations, must be negotiated with

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matter to the Court and 21 members were against it. In other words the matter was not referred to the Court for the lack of one vote. But many of those who voted against referring the matter to the Court did so not because they were sure of the legal ground but, as they confessed, because of political considerations. In other words we can safely say that the majority of the General Assembly including many of those who voted for Partition have their legal doubts as to the authority of the General Assembly to endorse what it did in passing the resolutions on Palestine.

The Arab delegations made it quite clear that they do not recognize the legality of the General Assembly decisions and they do not feel bound by them. Thus the United Kingdom in handing over Palestine to the Partition Committee is not only taking a course of action, the legality of which is seriously questioned but she is handing over Palestine to a body that has no legal authority over Palestine, namely the Partition Committee.

The United Nation's decision recommends continued trusteeship for the city of Jerusalem. This is illegal. It contradicts the Charter in two ways. The first is that the trusteeship over any territory, according to the letter and the spirit of the charter, must lead to independence and cannot be permanent. The second is that a trusteeship agreement has to be made by the Mandatory and the states directly concerned. The United Nations, or its Trusteeship Council, is not the authority to initiate a trusteeship agreement. Only the Mandatory Power and the states directly concerned can do that, if they see fit, according to Article 79 of the Charter.

We need not say that unless international relations are based on law

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and justice we can have no peace and no confidence in the world; the law of the jungle is bound to prevail. Thus it is a matter for all those people who occupy positions of responsibility to see to it that no practical steps are taken that do not conform to law and justice.

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2755

PALESTINE

27 FEB 1948

Registry Number E 2755/4/31

FROM W O L. Matthews

No. Colonial Office

Dated 75872/154/26

Received in Registry L.H. Beeley

25 Feb 27 -

Palstinian Govt attitude re implementation of United Nations Plan for Jerusalem. Transmits copies of Palestinian file 1410 and file of 17 Feb. in press reports that the Palastian Govt had changed its attitude on the question of assistance in implementing the U N Plan for the City of Jerusalem.

Last Paper.

2752

References.

(Print.)

(How disposed of.)

(Minutes.)

That this statement goes "rather further than we would expect" is pretty it mildly!

D.B. 27/2

New NKCS Dept 11/3

(Action completed.)

J.P.M. 12/3

(Index.)

[Handwritten initials and date]

Next Paper.

2756

26513 F.O.P.

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Foreign

103 *Encl*
The Church House,
St. Smith Street,
London, W.C. 1.

February 25, 1948.

My Reference 7507419-18.

Your Reference

15-2755

My dear Bailey,

27 FEB 1948

I enclose copies of telegrams nos. 410 and 411 from the High Commissioner for Palestine in reply to our telegram no. 592 to Jerusalem about press reports that the Palestine Government had changed its attitude on the question of assistance in implementing the United Nations plan for the City of Jerusalem.

We regard the statement by the Public Information Officer as going rather further than one would expect without Government authority, but it does not appear to have done much harm and we do not propose to take the matter further.

Yours truly,
W.A.C. Nicholson

(W.A.C. Nicholson)

R. B. 1948, No. 1, 321.

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INWARD TELEGRAM

165

TO THE SECRETARY OF STATE FOR THE COLONIES

Cypher (O.T.P.)

FROM PALESTINE (Gen. Sir A. Cunningham)

D. 19th February, 1948.
R. 19th " " 12.45 hrs.

IMMEDIATE.
No.411 Secret.

Addressed to S. of S.
Repeated to Washington No.105 (Washington
please pass to UKDEL as No.435)

My immediately preceding telegram.

City of Jerusalem.

!!
It appears that more was read into P.I.O's statement than was intended. Following is an extract of a letter written by the Chief Secretary to the Arab Higher Committee in response to an enquiry by that body as to whether P.I.O's statement implied a reversal of policy. Begins.

"Situation discussed with Ahmed Hilmi Pasha and Doctor Khalidi on 14th February. I made clear to them this Government's attitude in this matter which is that the Administration is concerned with security of Jerusalem and desires to see a stable administration in the City on the termination of the mandate. It in no way supports or is committed to favour any particular plan by which they may be achieved. H.M.G. in the U.K. have made it clear that they will not participate in the implementation of the partition plan approved by the United Nations General Assembly, which includes proposals for future international regime for Jerusalem".

2. This letter is being published.

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106

1948

PALESTINE

E. 2750

27 FEB 1948

Registry Number E2756/4/31

TELEGRAM FROM

No. U.K. 201

Dated New York

Received in Registry 682

21 Feb
27 -

Transmit via U.S. News on Political
After New York tel 619 (E2688/4/31)
Transmit views of Mr. Brock Jones and
L. O. Lodge on 20 tel. 890 (e/g)
re U.S. Position on set out a certain speech
& security board.

Last Paper.

2755

(Minutes.)

References.

H.B. 373

(Print.)

(How disposed of.)

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Herman Cat off
Akers. M.S.

M.I.S.a

M04

Admly On E262
AM mas. br

tel New York 931
Rpt Wtan 2382 Feb 28

8. Walsby Mar 1st

(Action completed.)

Y. G. W. / 21

On E276
(Index.)

2/27/48

Next Paper.

2776

30471 F.O.P.

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E 167

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Cypher/GTP

2750

WORLD ORGANISATION

DISTRIBUTION

27 FEB 1948
FROM NEW YORK TO FOREIGN OFFICE

(From United Kingdom Delegation to United Nations)

No: 682

D.9.48.p.m.26th February 1948

26th February 1948

A.3.40.a.m.27th February 1948

Repeated to Washington
Jerusalem

IMMEDIATE

Giant.

Light.

Secret.

Addressed to Foreign Office telegram No: 682 of February 26th repeated for information to Washington and Jerusalem.

Your telegram 890 and my telegram 669 paragraph 3.

Following are my views and those of Colonial Secretary on your telegram under reference.

2. We agree that United States position as set out in Austin's speech is somewhat obscure, but we do not think implication suggested in second sentence of paragraph 1 of your telegram is the correct one. At a Press Conference given immediately after the speech, Rusk of State Department was at pains to point out that if Assembly's power of recommendation were married to Security Council's power of compulsion under Chapter VII of Charter, this would result in a world government, which was not intention of the Charter (c.f. Washington telegram 814, paragraph 4). Moreover it looks from Washington telegram to you No: 902 as if United States tactics were to discredit Assembly plan by showing that it would require implementation by force, and that this would inevitably result in a threat to or breach of the peace (which is certainly contrary to the aims of the Charter).

3. With reference to paragraph 4 of your telegram under reply, we agree that we should not (repeat not)

accept

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27 FEB 1948

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Cypher/OTP
E2756/4/51
Secret

WORLD ORGANISATION
DISTRIBUTION

FROM FOREIGN OFFICE TO NEW YORK

(To United Kingdom Delegation to United Nations)

No. 931

February 28th, 1948. D. 4.55 p.m. February 28th, 1948.

Repeated to Washington No. 2382
Jerusalem.

MOST IMMEDIATE
SECRET

Addressed to United Kingdom Delegation New York
telegram No. 931 of February 28th, repeated for information
to Washington and Jerusalem.

Your telegram No. 682.

My following paragraphs deal with those points in your telegram under reference which are not already covered by my telegram No. 920.

2. I do not think it should be necessary for you to move an amendment on the composition of the proposed committee. A simple declaration that you cannot serve should be sufficient to cause others to amend the proposal. It might furthermore be difficult to abstain from voting on a resolution after having taken the initiative in amending it, and I agree that you should abstain. You will also have seen from my telegram No. 920 that I would prefer to see a committee containing non-permanent as well as permanent members of the Council.

5. I am also in entire agreement with the last sentence of your paragraph 4. My views on your paragraph 5 will follow when you have been able to report the arguments which are being used on this question in the Council or its Committee.

SSSSS

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1					
	2				
Reference -					
FO 371 / 6853A					
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